

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

Estate of BERNICE KEKONA by its  
personal representative, Darlene Bloyed,

Plaintiff,

v.

ALASKA AIRLINES, INC., an Alaska  
Corporation; ALASKA AIR GROUP,  
INC., a Delaware Corporation; and  
HUNTLEIGH USA CORPORATION,  
a Missouri Corporation,

Defendants.

CASE NO. C18-0116-JCC

ORDER

This matter comes before the Court on Defendant Huntleigh USA's ("Huntleigh") motion to dismiss for lack of personal jurisdiction (Dkt. No. 20). Having thoroughly considered the parties' briefing and the relevant record, the Court GRANTS Huntleigh's motion for the reasons explained herein.

**I. BACKGROUND**

This is a wrongful death and survival action brought by the Estate of Bernice Kekona. (*See generally*, Dkt. No. 1-2.) The Court has described the facts of this case in a previous order and will not repeat them here. (*See* Dkt. No. 22 at 1-3.) Mrs. Kekona was a citizen of Washington State. (Dkt. No. 23 at 2.) Defendant Huntleigh is a Missouri corporation with its

1 principal place of business in Texas. (Dkt. No. 21 at 1.) Plaintiff alleges Huntleigh failed to  
2 provide a required gate-to-gate escort while Ms. Kekona was transferring between Alaska  
3 Airlines flights at Portland International Airport and, as a result of that failure, Ms. Kekona  
4 suffered fatal injuries. (Dkt. No. 1-2 at 4–15, 17–20.)

5 Huntleigh moves to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(2). (Dkt.  
6 No. 20 at 1.)

## 7 **II. DISCUSSION**

### 8 **A. Standard of Review**

9 Claims against a defendant may be dismissed when a court lacks personal jurisdiction.  
10 Fed. R. Civ. P. 12(b)(2). When a defendant seeks dismissal on these grounds, the plaintiff must  
11 prove jurisdiction is appropriate. *Picot v. Weston*, 780 F.3d 1206, 1211 (9th Cir. 2015). To  
12 determine whether it has jurisdiction over a defendant, a federal court applies the law of the state  
13 in which it sits, as long as that law is consistent with federal due process. *Diamler AG v.*  
14 *Bauman*, 134 S. Ct. 746, 753 (2014). Washington grants courts the maximum jurisdictional reach  
15 permitted by due process. *Easter v. Am. W. Fin.*, 381 F.3d 948, 960 (9th Cir. 2004). Thus, the  
16 only question remaining for a Washington district court is whether the Court’s exercise of  
17 jurisdiction comports with the limitations imposed by due process. *Helicopteros Nacionales de*  
18 *Colombia, S.A. v. Hall*, 466 U.S. 408, 413 (1984). A court may not exercise jurisdiction over a  
19 defendant if that exercise of jurisdiction “offend[s] traditional notions of fair play and substantial  
20 justice.” *Int’l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945). Fair play and substantial justice  
21 mandate that a defendant has minimum contacts with the forum state before it may be hailed into  
22 a court in that forum. *Id.* The extent of those contacts can result in either general or specific  
23 jurisdiction. *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 919 (2011). If the  
24 requirements for either are met, a court has jurisdiction over the parties. *Helicopteros*, 466 U.S.  
25 at 413-14.

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1           **B.       General Jurisdiction**

2           General jurisdiction permits a court to consider claims against a person or a corporation  
3 for any conduct, even that which occurred outside the forum state. *Goodyear*, 564 U.S. at 924;  
4 *Daimler*, 134 S. Ct. at 754. A corporation’s mere presence within a state is not sufficient to  
5 establish general jurisdiction. *BNSF Ry. Co. v. Tyrrell*, 137 S. Ct. 1549, 1559 (2017). Rather, the  
6 corporation’s contacts with the state must be “so continuous and systematic as to render [it]  
7 essentially at home.” *Goodyear*, 564 U.S. at 919. “For an individual, the paradigm forum for the  
8 exercise of general jurisdiction is the individual’s domicile; for a corporation, it is an equivalent  
9 place, one in which the corporation is fairly regarded as at home.” *Id.* “Th[at] inquiry ‘calls for  
10 an appraisal of a corporation’s activities in their entirety.’” *BNSF*, 137 S. Ct. at 1559 (quoting  
11 *Daimler*, 134 S. Ct. at 761). A corporation is undeniably “at home” in both the state where it is  
12 incorporated and the state where it is headquartered. *Daimler*, 134 S. Ct. at 760. A corporation  
13 may also be considered “at home” outside those states, but only in “exceptional case[s].” *BNSF*,  
14 137 S. Ct. at 1558; *see Perkins v. Benguet Consol. Mining Co.*, 342 U.S. 437, 445–49 (1952) (a  
15 foreign corporation that temporarily relocated its operating headquarters was subject to the  
16 general jurisdiction of the court located in that venue). However, “‘a corporation that operates in  
17 many places can scarcely be deemed at home in all of them.’” *BNSF*, 137 S. Ct. at 1559 (quoting  
18 *Daimler*, 134 S. Ct. at 761).

19           Defendant is a Missouri corporation with a principal place of business in Texas. (Dkt.  
20 No. 21 at 1.) For purposes of general jurisdiction, Defendant is undeniably at home in those  
21 states. *Daimler*, 134 S. Ct. at 760. Plaintiff suggests that Defendant’s business operations in  
22 Washington—amounting to 10 percent of its workforce and 14 percent of its revenue—are so  
23 great that it is “at home” in Washington as well. (Dkt. No. 23 at 7–8); (*see* Dkt. No. 21 at 2). The  
24 Court disagrees. *See BNSF*, 137 S. Ct. at 1554, 1559 (United States District Court for the District  
25 of Montana lacked general jurisdiction over a corporation with activities in multiple states,  
26 including significant revenue and employees in Montana). Accordingly, the Court finds this

1 Court lacks general personal jurisdiction over Huntleigh.

2 **C. Specific Jurisdiction**

3 Specific jurisdiction permits a district court to exercise jurisdiction over a nonresident  
4 defendant for conduct that “create[s] a substantial connection with the forum State.” *Walden v.*  
5 *Fiore*, 134 S. Ct. 1115, 1121 (2014). To prove that specific jurisdiction exists in a tort-based  
6 action, a plaintiff must demonstrate that: (1) a defendant purposefully directed its activities at the  
7 forum state, (2) the lawsuit arises out of or relates to the defendant’s forum-related activities, and  
8 (3) the exercise of jurisdiction is reasonable. *Picot*, 780 F.3d at 1211. A defendant purposefully  
9 directs its conduct toward a forum state when its actions are intended to have an effect within the  
10 state. *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 803 (9th Cir. 2003). This occurs  
11 if the defendant: “(1) commit[s] an intentional act, (2) expressly aimed at the forum state, (3)  
12 causing harm that the defendant knows is likely to be suffered in the forum state.” *Morrill v.*  
13 *Scott Financial Co.*, 873 F.3d 1136, 1142 (9th Cir. 2017).

14 While Plaintiff alleged that Huntleigh committed an intentional act—negligently caring  
15 for Ms. Kekona at the Portland International Airport—Plaintiff has not plausibly alleged that any  
16 of Huntleigh’s actions in this matter were expressly aimed at Washington. *See Schwarzenegger*,  
17 374 F.3d at 807. Plaintiff argues, for example, that as Alaska Airlines’ agent, Huntleigh was  
18 bound by the contract Alaska Airlines entered into with Ms. Kekona in Washington. (Dkt. No.  
19 23 at 18–19.) But this is incorrect. While an *agent’s* actions within a forum state may subject a  
20 foreign *principal* to that state’s jurisdiction, the inverse is not true. *Wells Fargo & Co. v. Wells*  
21 *Fargo Exp. Co.*, 556 F.2d 406, 420–21 (9th Cir. 1977). Plaintiff also argues that Huntleigh  
22 should have known its actions would effect “a resident of another forum.” (Dkt. No. 23 at 1.) But  
23 a “mere foreseeable effect” in the forum state is insufficient to establish purposeful direction.  
24 *Pebble Beach Co. v. Caddy*, 453 F.3d 1151, 1156 (9th Cir. 2006). Accordingly the Court finds  
25 Plaintiff also lacks specific personal jurisdiction over Huntleigh.

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In the absence of facts to establish jurisdiction, Plaintiff asks the Court delay its decision on Huntleigh’s motion to dismiss and permit jurisdictional discovery. (Dkt. No. 23 at 23–24.) The Court declines to do so. Jurisdictional discovery is appropriate where “pertinent facts bearing on the question of jurisdiction are controverted or whether a more satisfactory showing of the facts is necessary.” *Butcher’s Union Local No. 498, United Food and Commercial Workers v. SDC Inv., Inc.*, 788 F.2d 535, 540 (9th Cir. 1986). Neither are present in this instance.

For the foregoing reasons, Huntleigh's motion to dismiss (Dkt. No. 20) is GRANTED and Plaintiff's request for jurisdictional discovery (Dkt. No. 23 at 23) is DENIED.

John C. Capen

John C. Coughenour  
UNITED STATES DISTRICT JUDGE